In The United States Patent And Trademark Office

Appl. No.:	10/792,175	Confirmation No.:	3770

Applicant(s):   Finke-Anlauff

Filed: 03/03/2004

Art Unit: 2109

Examiner: Kiran K. Shrestha

Title: MEDIA DIARY INCORPORATING MEDIA AND TIMELINE VIEWS

Customer No.:   00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION – 37 C.F.R. § 41.37)

1.   Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on January 24, 2008 and the Notice of Panel Decision from Pre-Appeal Brief Review mailed May 23, 2008.

2.   ☐ Applicant claims small entity status.

3.   Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
   ☐   small entity $255.00
   ☒   other than small entity $510.00   Appeal Brief fee due: $510.00

   ☒   Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

/ Richard D. Emery /

Richard D. Emery
Registration No. 58,894

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Andrea Finke-Anlauff et al.	
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Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed January 24, 2008 and the "Notice of Panel Decision from Pre-Appeal Brief Review" mailed May 23, 2008.

1.   *Real Party in Interest.*

The real party in interest in this appeal is Nokia Corporation, the assignee of the above-referenced patent application.

2.   *Related Appeals and Interferences.*

The following applications are currently subject to appeals and may have some relationship to the present application:

- U.S. Patent Application No. 10/715,162; and

- U.S. Patent Application No. 10/774,670.

In neither of the above listed cases has a decision been rendered.

3.   *Status of Claims.*

The present appeal involves Claims 1, 2, 4-26, and 28-36, which are presently under a final rejection as set forth by the final Official Action mailed on September 12, 2007 ("the final Official Action"). Claims 3 and 27 have been previously canceled. A request for pre-appeal review was submitted on January 24, 2008, and the decision of the panel of Examiners found that Claims 1, 2, and 4-36 stand rejected because one or more issues are ripe for appeal (the statement regarding Claim 27 apparently being in error). The claims at issue are set forth in the attached Claims Appendix.

4.   *Status of Amendments.*

An Amendment was filed after the final Official Action, on December 12, 2007, in which independent Claim 26 was amended to include the recitations of dependent Claim 27, and Claim 27 was canceled. This amendment to Claim 26 was expressly intended simply to place the claims in better condition for appeal, and an Advisory Action mailed on December 27, 2007 indicated that the Amendment had been entered and maintained the rejections of all of the pending claims in the application.

5.   *Summary of Claimed Subject Matter.*

Embodiments of the present invention are directed to a media diary application implemented in a digital communication device (*e.g.*, a desktop or portable computer, a cellular telephone, a personal data assistant, a digital camera, etc.; *see* p. 6, ll. 22-28). The media diary provides for a digital media file manager that organizes media by timeframe. *See* p. 3, ll. 5-10.

For example, digital media files (such as digital images, digital video, digital audio, computer games, computer software, digital text files or the like; *see* p. 8, ll. 20-22) may be associated with a period of time based upon metadata associated with the digital media file. *See* p. 3, ll. 19-24. A media view is provided that includes media files associated with a period of time, a moment of time, or an event. *See* p. 3, ll. 5-10. A timeline view is presented in combination with the media view and associates the media files with periods of time defined in a timeline. *Id.*

An example of a graphical user interface that might be presented by an application as described above is provided by Fig. 2. In the illustrated embodiment, a media view (labeled **100**) is presented below a timeline view **200**. The date columns **110** include media file representations **120** that are related to media files and are connected, in time, to the specific date, event and/or time. The illustrated time bar **210** includes individual vertical lines **240** that indicate ranges for specific dates on which media files currently exist, and spaces between the ranges indicate the amount of media files associated with a specific date.

Independent Claim 1 is directed to a product for providing access to media files on a digital device. The product of Claim 1 includes a computer-readable storage medium (typically a memory device, such as flash ROM memory, HDD or the like; *see* p. 7, ll. 9-10) and computer-readable program instructions embodied in the computer-readable storage medium. The programming instructions may be written in a standard computer programming language, such as C++, Java or the like. *See* p. 7, ll. 10-12.

The computer-readable program instructions of Claim 1 include first instructions for generating a media view, such as the media view **100** of Figs. 1 and 2, which provides access to digital media files and associates the digital media files with periods of time. For example, the media view **100** can include date columns **110** (for any or all of past dates, present dates and future dates) that contain media file representations **120** that represent media files. *See* p. 9, ll. 3-14. The media file representations **120** may include icons, thumbnail images, text from text documents/message, and/or any other suitable media file representation. *See* p. 9, ll. 19-21. The media files will typically be stored in a memory unit that is either located within the device that implements the media diary or is in communication with the device that implements the media diary. *See* p. 9, ll. 21-23.

The computer-readable program instructions of Claim 1 also include second instructions for generating a timeline view, such as the timeline view **200** of Fig. 2, which is presented in combination with the media view **100**. The timeline view **200** provides access to digital media files according to periods of time defined in the timeline and according to events represented in the timeline. In the illustrated embodiment, the timeline view **200** provides for a time bar **210** and a time handle **220**, the time handle allowing the media diary to be scrolled forward or backward in time. *See* p. 13, ll. 17-19.

Independent Claim 26 is directed to a method for digital media management in a digital device. The method includes receiving, at the digital device, a digital media file having metadata associated therewith. *See, e.g.*, p. 3, ll. 26-27. The file is transmitted to a media diary application, such as the media diary application described above, which associates the digital media file with a period in time based on the metadata. *See, e.g.*, p. 3, ll. 28-29. For example, the metadata may include a time stamp for the digital media file, and the file may be associated with the period of time specified by the time stamp. *See* p. 6, ll. 20-21. User access can be provided to the digital media file via a media view (such as the media view **100** of Fig. 2) that displays a representation (*e.g.*, **120** in Fig. 2) of the digital media file in connection with the period of time. The user is provided the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view. For example, in the embodiment illustrated in Fig. 2, the media view **100** can be scrolled using the time handle **220**, which can be, for example, dragged using a conventional pointing device.

Independent Claim 29 is directed to a method for defining media file representations in a media view of a media diary application, for example, such as the media file representations **120** in the media view **100** shown in Figs. 1 and 2 and discussed above. According to the method of Claim 29, a media file having metadata information associated therewith is received, and a manner in which the media file will be represented in the media view is determined. *See, e.g.*, p. 4, ll. 7-9. In accordance with this determination, the media file can be individually presented as a media file representation in a date column of the media view (such as the date column **110** of Figs. 1 and 2). *See, e.g.*, p. 4, ll. 9-11.

Independent Claim 35 is directed to an apparatus, such as the digital device **300** of Fig. 3, which includes a processing unit **310**, such as such as a processor, an application specific integrated circuit, analog and/or digital circuitry, etc. *See* p. 15, ll. 14-16. The processing unit executes computer-readable program instructions for accessing media files, such as those discussed in conjunction with Claim 1. *See, e.g.*, p. 4, ll. 16-24.

6.   ***Grounds of Rejection to be Reviewed on Appeal.***

Claims 1, 2, 4-26, and 28-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Application Publication No. WO 02/057959 A2 to Rothmuller *et al.* ("*Rothmuller*"). Applicants appeal the rejections of Claims 1, 2, 4-26, and 28-36.

7.   ***Argument.***

As explained below, Applicants respectfully submit that all of the claims pending in the present application are patentable over the cited reference. In view of the remarks presented herein, Applicants respectfully request reversal of the rejections of the pending claims.

A.   ***Rejections of Independent Claims 1 and 35.***

Independent Claim 1 of the present application reads as follows:

> 1.   A product for providing access to media files on a digital device, the product comprising:
> a computer-readable storage medium; and
> computer-readable program instructions embodied in the computer-readable storage medium, the computer-readable program instructions comprising:
> first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time; and
> second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline.

Independent Claim 35 also includes a recitation of "second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline . . ." similar to that in Claim 1. Both of Claims 1 and 35 stand rejected as being anticipated by *Rothmuller*.

The concept of "providing access to a digital media file according to a period of time defined in a timeline and according to an event represented in the timeline" is exemplified in the specification in the context of a media view. For example, referring to Fig. 1, the specification indicates that media files related to a specific event may be placed in the media view in a joint group (**130**) under a common title or subject. *See, e.g.*, p. 11, ll. 15-21.

Rothmuller discloses methods and apparatus for storing, cataloguing, managing, organizing, finding and displaying objects such as digital images that are saved in a database. *See Rothmuller*, p. 1, lines 25-30. The distribution of the objects stored in the database can be displayed as a histogram along a timeline. Time bands can be set along the timeline to indicate a time period that can be used to search for matching objects in the database, or to limit the search results for a given tag search to objects having temporal metadata within the indicated time period. When the timeline is used to limit the search results for a tag search, the timeline displays not only the temporal distribution of all objects in the database over the indicated time period, but also the temporal distribution of all objects in the database matching the specified tag search criteria over the indicated time period. Images associated with a search may be displayed in a corresponding image area (**100** in Fig. 1). In addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month. The calendar view can also be used to limit the search results for a tag search, in which case the calendar view will indicate all of the days of the month associated with objects that match all of the tagged search criteria, match some of the tagged search criteria, and match none of the tagged search criteria. *See Rothmuller*, p. 3, lines 1-16.

Applicant respectfully submit that *Rothmuller* nowhere teaches or discloses generating a timeline view that is presented in combination with the media view and provides access to the at

least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline, as recited in Claims 1 and 35 of the present application

Applicants had previously argued in an Amendment dated July 9, 2007 that Claims 1 and 35 could be distinguished from *Rothmuller* at least due to the fact that *Rothmuller* fails to teach "second instructions for generating a timeline view that . . . provides access to the at least one digital media file according to periods of time defined in the timeline **and according to events represented in the timeline**," as recited in Claims 1 and 35. The final Official Action, however, erroneously characterized this argument as suggesting that "the prior art does not teach or suggest a 'timeline view that provides access to at least one digital media file **according to periods of time**'." *See* p. 4, first ¶. To this fabricated argument, the final Official Action responds that "in contrast to the applicant's argument," *Rothmuller* "does teach timeline view showing adjustable time bands can be moved to find all photo within timestamp." *See* p. 4, second ¶. As such, the final Official Action was not responsive to Applicants' prior arguments regarding Claims 1 and 35.

In any event, Applicants respectfully maintain that *Rothmuller* does not disclose events that are "represented in a timeline." Instead, *Rothmuller* discloses, at p. 5, lines 18-25, categories of "event tags" that might be associated with an image by being included in the metadata of an image. Indeed, it was this passage that was previously cited in an Official Action as anticipating the "second instructions for generating a timeline view that . . . provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline." *See* p. 7 of the Official Action dated March 9, 2007. At one point, this passage from *Rothmuller* references "pre-defined" and "customized calendar events," but these references are not related to actual entries in a timeline or calendar, but instead simply serve to characterize the types of events for which corresponding tags might exist. That is, *Rothmuller* does not suggest that these "events" actually exist in a timeline or timeline view in any form (they do not); instead, these "events" are simply data that exists in the background of the application of *Rothmuller*.

For at least the above reasons, Applicants respectfully submit that *Rothmuller* does not teach or suggest each and every respective limitation of independent Claims 1 and 35, and that the rejections of these claims, as well as those of Claims 2, 4-25, and 36 depending therefrom, have herein been traversed and should be reversed.

B.   *Rejection of Independent Claim 26.*

Independent Claim 26 of the present application reads as follows:

26.   A method for digital media management in a digital device, the method comprising:

receiving, at the digital device, a digital media file having metadata associated with the digital media file;

transmitting the file to a media diary application that associates the digital media file with a period in time based on the metadata;

providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time; and

providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view.

Applicants respectfully submit that *Rothmuller* fails to teach "providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view" as recited in amended Claim 26.

As an example of the concept of "providing the user the ability to locate digital media files within a media view by scrolling a timeline that is displayed in conjunction with the media view," the specification states at p. 13, lines 17-25, that "[t]he timeline view **200** . . . provides for a time bar **210** and a time handle **220**. The time handle allows the media diary to be scrolled forward in time and backward in time . . . If the time handle is moved from the stationary position to the left, the media view and, in some instances the time bar will scroll to the right, such that, more past dates in the media view will be scrolled and displayed. If the time handle is moved from the stationary position to the right, the media view and, in some instances the time bar, will scroll to the left, such that, more future dates in the media view will be scrolled and displayed."

Applicants had previously asserted the above argument in the Amendment of July 9, 2007 that *Rothmuller* fails to teach "providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view" as recited in amended Claim 26. In conjunction with this argument, Applicants had noted

that *Rothmuller* discloses only a timeline that includes "time bands" (*i.e.*, markers on a timeline) that can be moved along the timeline to limit the temporal range of consideration when searching for objects in a database, and does not teach or suggest a timeline that can be scrolled in order to locate media files, as recited by amended Claim 26.

To this argument, the final Official Action responded that "in contrast to the applicant's argument," *Rothmuller* "does teach timeline view showing adjustable time bands can be moved to find all photo within timestamp." *See* p. 4, fourth ¶. As such, the final Official Action was unresponsive to Applicants' arguments regarding the dissimilarity between "scrolling a timeline" and the "timebands" of *Rothmuller*.

During a subsequent telephonic interview of November 14, 2007, the Examiner explained his view that *Rothmuller* did teach the scrolling of a timeline in Fig. 3, specifically through the inclusion of left-facing and right-facing arrows at the lower left and right corners of the timeline shown in that figure. The Examiner adopted this view in spite of the fact that (1) the function of the arrows is never discussed in *Rothmuller* and (2) *Rothmuller* explicitly discloses the movement only of "timebands" within the timeline (*see*, *e.g.*, p. 8, ll. 2-7), and nowhere discusses movement of the timeline itself. As such, Applicants respectfully submit that the only plausible understanding of *Rothmuller* is that the arrows of Fig. 3 can be used, if at all, as a means for moving the timebands.

Overall, Applicants respectfully maintain that *Rothmuller* does not disclose "providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view" as recited in Claim 26. For at least this reason, Applicants respectfully submit that the rejection of Claim 26, and that of Claim 28 depending therefrom, has been traversed and should be reversed.

C.   *Rejection of Independent Claim 29.*

Independent Claim 29 reads as follows:

> 29.   A method for defining media file representation in a media view of a media diary application, the method comprising:
>   receiving a media file having associated metadata information;

          determining a manner in which the media file will be represented
in a media view of the media diary; and

          individually presenting the media file as a media file representation
in a date column of the media view in accordance with the determination of the
manner of representation.

As an example of "individually presenting the media file as a media file representation in a date column of the media view," referring to Fig. 2 of the present application, a media view **100** can include date columns **110** can contain media file representations **120** that are related to, or representative of, respective media files. *See, e.g.*, p. 9, ll. 13-14. Applicants respectfully submit that *Rothmuller* does not disclose, at least, "individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation," as recited in Claim 29.

Applicants had previously asserted the above argument in the Amendment of July 9, 2007. In conjunction with this argument, Applicants had noted that *Rothmuller* discloses (i) displaying a distribution of objects stored in a database (and not the objects or representations thereof individually) as a histogram along a timeline or in a calendar view (as shown in Fig. 3 of *Rothmuller*), and also (ii) displaying images associated with a search in an image area, the image area being associated with the search and not with a date (as shown by image area **100** in Fig. 1 of *Rothmuller*), but that neither (i) nor (ii) were equivalent to "individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation." Applicants note that because both (i) and (ii) lack the individual presentation of media file representations within date columns, these methods inhibit chronological browsing for specific media files.

The final Official Action had responded that *Rothmuller* "does teach photos displayed in vertical bar, which represent date of the particular periods", citing Fig. 3; Fig. 4; p. 8, ll. 27-31; and p. 9, ll. 1-14 of *Rothmuller* for support. *See* p. 4, sixth ¶. However, these portions of *Rothmuller* do not address the display of individual media file representations, but rather disclose the presentation of graphical displays that represent groups or sets of media files associated with certain dates.

Overall, Applicants respectfully maintain that *Rothmuller* does not disclose "individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation," as recited in Claim 29. For at least this reason, Applicants respectfully submit that the rejection of Claim 29, as well as those of Claims 30-34 depending therefrom, have herein been traversed and should be reversed.

CONCLUSION

For the above reasons, it is submitted that the rejections of Claims 1, 2, 4-26, and 28-36 are erroneous and reversal of these rejection is respectfully requested. A Claims Appendix containing a copy of claims involved in the appeal, an Evidence Appendix, and a Related Proceedings Appendix are attached.

Respectfully submitted,

/ Richard D. Emery /

Richard D. Emery
Registration No. 58,894

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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Claims Appendix

1. (previously presented) A product for providing access to media files on a digital device, the product comprising:

a computer-readable storage medium; and

computer-readable program instructions embodied in the computer-readable storage medium, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time; and

second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline.

2. (previously presented) The product of Claim 1, wherein the first instructions for generating the media view further associate the at least one digital media file with event information.

3. (canceled)

4. (previously presented) The product of Claim 1, wherein the first instructions associate the least one digital media file with a period of time that is defined by metadata associated with the at least one digital media file.

5. (previously presented) The product of Claim 1, wherein the first instructions further include instructions for generating title information for the at least one digital media file.

6. (previously presented) The product of Claim 5, wherein the instructions for generating title information include instructions for displaying, in the media view, the title information in conjunction with the at least one digital media file.

7. (previously presented) The product of Claim 5, wherein the first instructions for generating title information for the at least one digital media file include instructions for defining the title information by metadata associated with the at least one media file.

8. (previously presented) The product of Claim 1, wherein the first instructions include instructions for generating group title information for a plurality of digital media files having related metadata information.

9. (previously presented) The product of Claim 8, wherein the instructions for generating group title information include instructions for displaying, in the media view, the group title information in conjunction with the plurality of digital media files.

10. (previously presented) The product of Claim 8, wherein the instructions for generating group title information for the plurality of digital media files include instructions for defining the group title information by comparable metadata associated with the plurality of digital media files.

11. (previously presented) The product of Claim 1, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that provides for locating periods of time by scrolling the timeline.

12. (previously presented) The product of Claim 11, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that is scrollable in a horizontal manner.

13. (previously presented) The product of Claim 11, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that is scrollable in a vertical manner.

14. (previously presented) The product of Claim 1, wherein the first instructions for generating the media view include instructions for generating a scrollable media view for locating media files by scrolling the media view.

15. (previously presented) The product of Claim 14, wherein the first instructions for generating the media view include instructions for generating a scrollable media view that is scrollable in a horizontal manner.

16. (previously presented) The product of Claim 14, wherein the first instructions for generating the media view include instructions for generating a scrollable media view that is scrollable in a vertical manner.

17. (previously presented) The product of Claim 1, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include instructions for generating a scrollable media view and a scrollable timeline view that provide for locating one or more media files by scrolling.

18. (previously presented) The product of Claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include instructions for scrolling the media view in a horizontal manner and scrolling the timeline view in a horizontal manner.

19. (previously presented) The product of Claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include

instructions for scrolling the media view in a vertical manner and scrolling the timeline view in a vertical manner.

20. (previously presented) The product of Claim 1, wherein the second instructions for generating a timeline view include instructions for generating a timeline in the form of a time bar.

21. (previously presented) The product of Claim 1, wherein the second instructions for generating a timeline view include instructions for generating a time handle that provides for the timeline to be scrolled.

22. (previously presented) The product of Claim 1, further comprising third instructions for searching the media view in terms of a period of time.

23. (previously presented) The product of Claim 1, further comprising third instructions for searching the media view in terms of any combination of metadata information.

24. (previously presented) The product of Claim 1, wherein the first instructions for generating a media view include instructions for adjusting the area of the periods of time within the media view according to the amount of digital media files in the period of time.

25. (previously presented) The product of Claim 24, wherein the first instructions for adjusting the area of the periods of time include instructions for adjusting the area of the period of time view so that all of the media files within a period of time are viewable within a display.

26. (previously presented) A method for digital media management in a digital device, the method comprising:

receiving, at the digital device, a digital media file having metadata associated with the digital media file;

transmitting the file to a media diary application that associates the digital media file with a period in time based on the metadata;

providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time; and

providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view.

27. (canceled)

28. (previously presented) The method of Claim 26, further comprising providing a user the ability to locate digital media files within the media view by movement of a time handle that is displayed in conjunction with the media view.

29. (previously presented) A method for defining media file representation in a media view of a media diary application, the method comprising:

receiving a media file having associated metadata information;

determining a manner in which the media file will be represented in a media view of the media diary; and

individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation.

30. (previously presented) The method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of a thumbnail representing the media file.

31. (previously presented) The method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a size of the date column within which the representation will reside.

32. (previously presented) The method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the media view in proportion to the overall viewing area.

33. (previously presented) The method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a quantity of the media files represented in a date column.

34. (previously presented) The method of Claim 29, further comprising providing the user the ability to locate a media file within the media view by scrolling the media view.

35. (previously presented) An apparatus comprising:

a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time, and

second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline.

36. (previously presented) An apparatus according to Claim 35, further comprising a display in communication with the processing unit that presents, independently, the media view and the timeline view.

Evidence Appendix

No additional evidence is provided.

Related Proceedings Appendix

There are two potentially related proceedings, related to U.S. Patent Application No. 10/715,162 and U.S. Patent Application No. 10/774,670, neither of which having produced a final decision or determination.